

REMARKS

Claims 2-9, 11-18, and 20-39 are pending in the application.

Claims 28-33 are allowed.

Claims 1-3, 5, 8-12, 14, 17-21, 23, 26 and 27 stand rejected.

Claims 4, 6, 7, 13, 15, 16, 22, 24 and 25 are objected to.

Claims 34-39 have been added. Support for the added claims can be found, at least, on pages 11-12 of the specification.

Phone Interview - March 30, 2004

The undersigned wishes to acknowledge the telephone interview conducted on March 30, 2004 and to thank the Examiner for his clarification of certain statements and for affording the undersigned an opportunity to discuss Applicant's claimed invention. While no agreement was reached during the interview, the undersigned believes this paper is in harmony with the positions expressed during the interview.

Rejection of Claims under 35 U.S.C. §102

Claims 1-3, 9-12, 18-21 and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Natarajan et al., U.S. Patent No. 6,304,546 (hereinafter "Natarajan").

Natarajan describes using end-to-end keep-alive messages within a virtual circuit. The cited portion of Natarajan recites: "A first node 110 is coupled using a first local communication link 111 to a first local router 112 in a frame relay network 120. Similarly, a second node 130 is coupled using a second local communication link 131 to a second local router 132 in the frame relay network 120. Communication between the first node 110 and the second node 130 is conducted using a virtual circuit 140, including the first local communication link 111, the second local communication link 131, and a communication path 141 in the frame relay network 120." Natarajan, col. 2, lines 42-52.

The cited section of Natarajan clearly fails to teach or suggest “coupling one or more modified frame relay sub-interface entities with one or more corresponding data link layer entities, wherein the one or more modified frame relay interfaces are internal to at least one network router, the one or more corresponding data link layer entities are internal to at least one unit under test, and each of the one or more modified frame relay sub-interface entities is configured to function as a data link layer entity”, as recited in added claim 34. In particular, Natarajan does not teach or suggest a router that includes modified frame relay sub-interface entities that are each configured to function as a data link layer entity (in fact, the cited portion of Natarajan does not include any discussion of frame relay sub-interfaces or data link layer entities). Additionally, it is noted that Natarajan is not concerned with testing, and thus there is no reason to assume that the nodes discussed in Natarajan are units under test. Thus, claim 34 is clearly patentable over the cited art. Claims 2-3, 5, 8-9, 11-12, 14, 17-18, and 20-21, 23, 26-27, and 35-39 are patentable over the cited art for similar reasons.

With respect to added claim 35, the routers discussed in Natarajan are clearly not functioning in such a manner as to test the unit under test “as if the unit under test was connected to N computer systems”. Thus, claim 35 is additionally patentable over the cited art for at least this reason.

Rejection of Claims under 35 U.S.C. §103

Claims 5, 14 and 23 stand rejected under 35 U.S.C. § 103(a) as being obvious over Natarajan et al., U.S. Patent No. 6,304,546, in view of Lemler et al., U.S. Patent No. 6,546,420 (hereinafter “Lemler”). Claims 8, 17 and 26 stand rejected under 35 U.S.C. § 103(a) as being obvious over Natarajan et al., U.S. Patent No. 6,304,546, in view of Sadjadi, “CTE Announces World’s First Frame Relay Data Communication Device With Compression, Encryption, and TI/EI Features” (hereinafter “Sadjadi”). Applicants assert that claims 5, 8, 14, 17, 23, and 26 are patentable over the cited art for at least the foregoing reasons provided above with respect to claim 34.

Applicant also notes that neither Lemler nor Sadjadi, alone or in combination with Natarajan, teaches or suggests “coupling one or more modified frame relay sub-interface entities with one or more corresponding data link layer entities, wherein the one or more modified frame relay interfaces are internal to at least one network router, the one or more corresponding data link layer entities are internal to at least one unit under test, and each of the one or more modified frame relay sub-interface entities is configured to function as a data link layer entity”. Sadjadi is a press release announcing a frame relay data communication device with compression, encryption, and TI/EI features. Sadjadi clearly does not teach or suggest modified frame relay sub-interface entities, internal to a router, that are configured to function as data link layer entities. Lemler teaches aggregating flow records (i.e., information about a network flow). Lemler also clearly does not teach or suggest modified frame relay sub-interface entities, internal to a router, that are configured to function as data link layer entities. Accordingly, claims 5, 8, 14, 17, 23, and 26 are patentable over the cited art.

Allowable Claims

Claims 4, 6, 7, 13, 15, 16, 22, 24, and 25 were indicated as being allowable if rewritten in independent form. Applicants thank the Examiner for his thoughtful consideration of these claims. Applicants will rewrite these claims in independent form, if necessary, at a later time during prosecution.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5080.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 28, 2004.

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April 28, 2004

Date of Signature

Respectfully submitted,

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